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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,557	05/31/2000	Mark Skrzynski	00 P 7658 US	5827

7590

09/13/2005

Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/586,557	SKRZYNSKI ET AL.	
	Examiner	Art Unit	
	Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

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Amendment, filed 09/01/05 has been entered. Claims 1 and 4-19 remain pending.

***Response to Amendment***

In the light of the recent search results the allowability of claim 19 has been withdrawn.

***Claim Objections***

1. Claims 1, 4 -19 are objected to because of the following informalities:

Claims 1, 7, 9, 12 and 19 limitation: "objects based upon a respective set of policies designed to improve object availability" is unclear because it is not understood what objects availability means in the context of the claims.

Claims 1, 7, 9, 12 and 19 limitation: "status information relating to an associated system of one or more objects based upon a respective set of policies" is unclear, because it is not understood what is based on the policies: status information or objects.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 12-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 12, how dynamically replace the state machine of a fault analyzer object.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 4-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7, 9 and 12 limitation “an associated system of one or more objects based upon respective set of policies” is unclear, because it is not understood what is system of objects, defined by policies.

Claim 19 limitation “an assigned system of one or more objects of the telephony system based upon respective set of policies” is unclear, because it is not understood what is telephony system of objects, defined by policies.

Claim 9 limitation “dynamically linked library” is unclear because it is not understood what are the links of this library.

Claim 7 recites the limitation “the one or more of the components objects” in line 5. There is insufficient antecedent basis for this limitation in the claim.

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Claim 7 recites the limitation "the operational state" on line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the assigned system" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected (as best understood) under 35 U.S.C. 103(a) as being unpatentable over Miller (US 6,069,875).

Miller substantially teaches the limitations of the claim:

A dependability system (telecommunication system on Fig. 1 monitoring a LAN or Internet 1:36-39, inherently comprising a server, because servers are essential for Internet operation), comprising a hierarchical arrangement of two or more nodes (Application card AC node and Unit Controller node on Fig. 1, arranged in there architectural levels 7:32-50) each having a fault analyzer object programmed to respond to status information relating to associated system of one or more objects based on a respective set of policies (monitoring PM data according the policies/instances to predict a failure to improve the system availability 1:52-2:20) designed to improve object availability (Performance Monitoring PM objects shown on Fig. 2

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and 7:55-8:10, and located at AC level for multiplexing monitored system information and at UC for demultiplexing the information 15:4-13), wherein a first fault analyzer is configured to report object status information to a second fault analyzer (transferring information from AC to a UC in a regulated push mode 15:14-54), including a dynamic library shown on Fig. 2 and 3 and located at the AC or the UC.

Miller does not teach locating the library at both nodes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the library at both nodes to increase the reliability of the system by duplicating the important information.

8. Claims 1, 4-6, 8, 11 and 16-19 are rejected (as best understood) under 35 U.S.C. 103(a) as being unpatentable over Miller (US 6,069,875) in view of Grinter (US 6,606,304).

Regarding claims 1 and 19, Miller substantially teaches the limitations of claims 1 and 19:

A dependability system (telecommunication system on Fig. 1 monitoring a LAN or Internet 1:36-39, inherently comprising a server, because servers are essential for Internet operation), comprising a hierarchical arrangement of two or more nodes (Application card AC node and Unit Controller node on Fig. 1, arranged in there architectural levels 7:32-50) each having a fault analyzer object programmed to respond to status information relating to associated system of one or more objects based on a respective set of policies (monitoring PM data according the policies/instances to predict a failure to improve the system availability 1:52-2:20) designed to improve object availability (Performance Monitoring PM objects shown on Fig. 2 and 7:55-8:10, and located at AC level for multiplexing monitored system information and at UC for demultiplexing the information 15:4-13), wherein a first fault analyzer is configured to report

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object status information to a second fault analyzer (transferring information from AC to a UC in a regulated push mode 15:14-54).

Miller does not teach first fault analyzer object to register with the second analyzer object, issuing to the component interface object control instructions to change the operation state and a gatekeeper coupled to the packet switched network.

Grinter teaches first fault analyzer object to register with the second analyzer object (registering equipment to be sub-classed to deal with equipment specific features 9:40-45), a gatekeeper coupled to the packet switched network (gatekeeper on Fig. 1 and 8:14-26, inherently coupled to the network, because the gatekeeper connection to the network is essential for its timing operation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add first fault analyzer object to register with the second analyzer object, a gatekeeper coupled to the packet switched network of Grinter to the system of Miller to improve the system operation with monitoring multiple equipment, by registering the equipment and timing the information transfer with the gatekeeper from lower nodes to a higher node.

9. Regarding claims 4-6, Miller teaches a fault analyzer object responsible for one or more component objects (PM data acquisition from the telecommunication system components 1:52-2:5) corresponding to software applications (software 2:6:19) and a component interface configured to connect the fault analyzer object to one or more component objects (inherently part of the system because interface between the fault analyzer and the component object is essential for the fault analyzer to collect the component data).

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10. Regarding claim 8, Miller teaches a fault analyzer object responsible to determine the health of the system (quality assurance of the system including health of the nodes and their connections 1:52-63).

11. Regarding claims 16 and 17, Miller teaches the nodes implemented in a single system or on separate systems of packet switched network (implementing the system on a LAN or Internet 1:35-39).

12. Regarding claim 18, Miller teaches the fault analyzer object implemented in software (PM comprising software modules 7:55-8:1).

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Grinter.

Miller in view of Grinter teaches all the limitations of parent claim 1 (see claim 1 rejection above).

Miller in view of Grinter does not teach using a state machine.

Official notice is taken that using a state machine in a software design is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using a state machine to the system of Miller in view of Grinter to utilize well known and popular software design method.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'DL' followed by a stylized name.

Dmitry Levitan  
Patent Examiner.  
09/06/05.